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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 2033
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles W. Norman Confirmation No.: 8154  
Application No.: 10/647,936 Art Unit: 2416  
Filed: 08/26/2003 Examiner: Steven H. D. Nguyen  
For: OVERHEAD REPLICATION FOR SONET SIGNALS

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Alexandria, VA 22313-1450

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Advisory Action dated 08/18/2009, the Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

## **REMARKS**

Claims 1-6, 8-16, and 18-20 remain pending in the application. Claims 1-6, 8-16, and 18-20 currently stand rejected. Claims 7 and 17 have been previously canceled. The Applicant respectfully requests consideration of the following remarks and allowance of claims 1-6, 8-16, and 18-20.

### Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-6, 8-16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugawara (U.S. Patent No. 6,169,754) in view of Ovadia'544 (U.S. Patent Application Publication No. 2004/0208544). Claims 1-6, 8-16, and 18-20 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cook (U.S. Patent Application Publication No. 2002/0103926) in view of Ovadia'471 (U.S. Patent Application Publication No. 2003/0198471). The present rejection mischaracterizes the above references cited in the 35 U.S.C. § 103(a) rejection, and thus represents clear error. The Applicant respectfully disagrees with the rejections for at least the following reasons.

Claim 1 recites, in part, “a first interface system configured to receive over a single optical wavelength a first Synchronous Optical Network (SONET) signal including first section overhead and first line overhead in a first transport overhead and including path overhead and user data in a first payload, and in response, to transfer in parallel over multiple optical wavelengths the first section overhead, the first line overhead, the path overhead, and the user data....”

### *Sugawara in view of Ovadia'544*

The final Office Action admits that Sugawara fails to disclose “a first interface for receiving over a single optical wavelength a sonet signal to transfer in parallel over multiple wavelengths a *sonet signal...*” (final Office Action, pages 2-3, emphasis supplied). The final Office Action includes Ovadia'544 in an attempt to overcome the shortcomings of Sugawara. Although Ovadia'544 discusses transferring *entire* labels and payloads over different wavelengths (Ovadia'544, Figures 6 and 7), the final Office Action mischaracterizes the teachings of Ovadia'544 by asserting that Ovadia'544 teaches transferring in parallel over multiple optical wavelengths “the first section

overhead, the first line overhead, the path overhead, and the user data....” as recited in claim 1.

Ovadia’544 discusses transferring an *entire label* over a first wavelength and an *entire payload* over a second wavelength, as seen in Figure 6 of Ovadia’544 (i.e. L1 and P1). In Figure 7 of Ovadia’544, a sequence of labels is transferred over different wavelengths (i.e. L1, L2...). However, the labels shown in Figure 7 of Ovadia’544 are *the entire label* for an associated *entire payload* (i.e. P1, P2...). In contrast, claim 1 recites, in part, transferring in parallel over multiple optical wavelengths “the first section overhead, the first line overhead, the path overhead, and the user data....” For example, the present specification, page 15, lines 12-19, discusses transferring overhead *portions* and payload *portions* (i.e. the section overhead, line overhead, path overhead, and user data) in parallel over multiple optical wavelengths 612-615 (see specification, page 15 and Figure 6). Therefore, the final Office Action mischaracterizes Ovadia’544, and the combination of Sugawara with Ovadia’544 fails to overcome the shortcomings of Sugawara, where Ovadia’544 only discusses transferring *entire payloads* in parallel with *entire labels*.

#### *Cook in view of Ovadia’471*

The final Office Action admits that Cook fails to disclose “a first interface for receiving over a single optical wavelength a sonet signal to transfer in parallel over multiple wavelengths a *sonet signal...*” (final Office Action, page 5, emphasis supplied). The final Office Action then includes Ovadia’471 in an attempt to overcome the shortcomings of Cook. Similar to Ovadia’544 discussed above, Ovadia’471 discusses transferring *entire labels* and payloads over different wavelengths (Ovadia’471, Figures 6 and 7). The final Office Action mischaracterizes the teachings of Ovadia’471 by asserting that Ovadia’471 teaches transferring in parallel over multiple optical wavelengths “the first section overhead, the first line overhead, the path overhead, and the user data....” as recited in claim 1.

Ovadia’471 discusses transferring an *entire label* over a first wavelength and an *entire payload* over a second wavelength, as seen in Figure 6 of Ovadia’471 (i.e. L1 and P1). In Figure 7 of Ovadia’471, a sequence of labels is transferred over different

wavelengths (i.e. L1, L2...). However, the labels shown in Figure 7 of Ovadia'471 are *the entire label* for an associated *entire payload* (i.e. P1, P2...). In contrast, claim 1 recites, in part, transferring in parallel over multiple optical wavelengths “the first section overhead, the first line overhead, the path overhead, and the user data....” For example, the present specification, page 15, lines 12-19, discusses transferring overhead *portions* and payload *portions* (i.e. the section overhead, line overhead, path overhead, and user data) in parallel over multiple optical wavelengths 612-615 (see specification, page 15 and Figure 6). Therefore, the final Office Action mischaracterizes Ovadia'471, and the combination of Cook with Ovadia'471 fails to overcome the shortcomings of Cook, where Ovadia'471 only discusses transferring *entire payloads* in parallel with *entire labels*.

The present rejections mischaracterize Ovadia'544 and Ovadia'471, and thus represent clear error. The rejections should therefore be withdrawn.

Based on the foregoing comments, the Applicant contends that claim 1 is allowable, and such indication is respectfully requested. Independent claim 11 contains limitations similar to those of claim 1 and, therefore, is also allowable. Dependent claims 2-6, 8-10, 12-16, and 18-20 stand similarly rejected under 35 U.S.C. § 103(a). The Applicant refrains from discussion of dependent claims 2-6, 8-10, 12-16, and 18-20 in view of their dependence from otherwise allowable independent claims 1 and 11.

## CONCLUSION

The claims in their present form are allowable over the art of record. Therefore, the Applicant respectfully solicits their allowance.

The Applicant hereby authorizes the Office to charge Deposit Account No. 210765 the appropriate fee under 37 C.F.R. §41.20(b)(1) for the Notice of Appeal filed herewith. The Applicant also authorizes the Office to charge Deposit Account No. 210765 the appropriate fee for a one-month extension of time. Should the Office determine any other fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765.

Respectfully submitted,

/David J. Bovitz/

### SIGNATURE OF PRACTITIONER

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